

HARPSWELL DOG LEASH ORDINANCE  
HARPSWELL ANIMAL CONTROL ORDINANCE

Enacted March 16, 1985 Article 25

Amended March 28, 1987 Article 34

Amended March 12, 1994 Article 61

Amended March 20, 2010 Article 4

SEC. 101 PURPOSE

The purpose of this Ordinance is to require, in accordance with Title 7 M.R.S.A. Part 9, that all dogs in the Town of Harpswell be kept under the control of their owners at all times so that they will not injure persons, damage property, or create a nuisance.

SEC. 102 CONSTRUCTION

The provisions ~~which~~that apply to the owner of a dog apply equally to any person having its custody or possession.

SEC. 103 DEFINITIONS

103.1 “Owner” means any person or organization ~~which~~that owns, possesses, or has custody of a dog.

103.2 “At large” means off the premises of the owner or person charged with the responsibility of control.

103.3 “Nuisance” means the causing of unreasonable noise, smell, litter, or other property damage; the chasing of automobiles, motorcycles, bicycles or other vehicles; the persistent or frequent entry on school grounds while school is in session.

103.4 “Dangerous dog” means a dog ~~which~~that has bitten a person who was not a trespasser with criminal intent on the owner’s premises at the time of the incident; a dog ~~which~~that causes serious injury or death to another animal; or a dog ~~which~~that causes reasonable fear of bodily injury to a person acting in a peaceable manner outside the owner’s premises.

103.5 “Owner’s control” means that the dog is within 100 yards of its owner or that the owner can demonstrate command of the dog to an enforcement officer if requested.

SEC. 104 REGISTRATION AND IDENTIFICATION

Each owner or keeper of a dog that is six months of age or over, except dogs kept under a kennel license as provided by Title 7 M.R.S.A. Part 9, shall on or before January 1, annually, or at such time as such dog becomes six months old, cause such dog to be licensed with the Town Clerk. A dog ~~which~~that is at least two months old must wear a collar or harness to which is attached an identification tag with the owner’s name and address or telephone number.

After January 31, the Animal Control Officer shall notify all owners of unlicensed dogs that they are subject to a late fee pursuant to 7 M.R.S.A. § 3923-A (4), as may be amended from time to time, and an administrative fee in such amount as the Board of Selectmen may establish from time to time, and that their dogs must be licensed by July 31 or they shall face court action.

#### SEC. 105 RUNNING AT LARGE

A dog is not permitted to run at large. A dog ~~which~~that is off the premises of the owner or the premises of a person having its custody and is not on a leash, or is on a leash exceeding ~~six~~ twelve feet in length, is prima-facie evidence of the unlawful running at large of such dog.

105.1 Exception. A dog ~~which~~that is under owner's control or is engaged in field trials, training or legal hunting may run at large.

#### SEC. 106 DANGEROUS DOG

It shall be unlawful to own or possess a dangerous dog as defined in Section 103, except when such dangerous dog is confined or muzzled.

#### SEC. 107 NUISANCE DOG

It shall be unlawful to own or possess a dog creating a nuisance as defined under Section 103.

#### SEC. 108 IMPOUNDING

The Animal Control Officer shall apprehend any dog found running at large and impound it in the ~~humane society dog pound~~ or other suitable place. As soon thereafter as practical, At that time he ~~or she~~ shall provide to the humane society and the Town Clerk's Office register the following information, if known: breed, color, sex, license number, and name and address or telephone number of the owner ~~in a book kept for that purpose~~.

#### SEC. 109 REFUSING TO RECLAIM DOG

It is unlawful for a person to fail or refuse to reclaim his dog and pay the cost required by Section 110 within one week after receiving oral or written notice of its impoundment.

#### SEC. 110 NOTICE AND RECLAMATION

The Animal Control Officer shall immediately notify the owner, by telephone or by certified mail that the dog has been impounded, and that he ~~or she~~ may reclaim it by licensing the dog if it is unlicensed, and by paying the Town the following fees:

110.1 Initial Impoundment fee ~~—\$10.~~ in such amount as the Board of Selectmen may establish from time to time.-

~~110.2—Cost of providing food, and shelter—\$5 per day.~~

~~110.3—Cost of notice by mail or by posting—\$2.~~

~~If the owner of the dog is unknown or cannot be found, the Animal Control Officer shall immediately post the notice at the Town House.~~

#### SEC. 111 DISPOSITION OF UNCLAIMED DOG

All impounded dogs shall be kept at the ~~Coastal H~~umane ~~S~~society shelter for six days. If the owner has not reclaimed the dog within that time, and if it has not been placed with another owner, the ~~Coastal H~~umane ~~S~~society shall become the owner of the dog. ~~destroy it.~~

#### SEC. 112 DISPOSITION OF DOGS ~~WHICH~~ THAT HAVE BITTEN PERSONS

The owner of a dog who knows or has been advised that their dog has bitten a person shall be notified by the ACO that the ~~have~~ the dog must be confined at home or at the Coastal Humane Society, at the owner's expense, for at least ten consecutive days. The Animal Control Officer ~~and~~ shall notify the Health Officer immediately of the time, place, and reason for the confinement. During the period of confinement, the owner shall not destroy the dog nor allow it to be destroyed.

#### SEC. 113 EXAMINATION OF CONFINED DOGS

The Animal Control Officer ~~Health Officer~~ shall have a dog ~~which~~that has been confined because of having bitten a person kept under observation for symptoms of rabies. At the end of the 14-day period of confinement, the Animal Control Officer ~~Health Officer~~ shall determine whether the dog is infected with rabies. In making this determination, he or she shall employ such expert assistance as may be necessary. If he or she deems it necessary to keep the animal confined for longer than the 1014-day period, he or she shall order it done. If the dog is found to be rabid, he or she shall notify the owner and the person bitten, and shall have the dog destroyed immediately, following any procedure recommended by the Department of Human Services. If the dog is not rabid, the owner shall thereafter muzzle the dog or keep it confined. All expenses incurred by the Town in carrying out the procedure provided by this section shall be paid for by the owner of the dog.

#### SEC. 114 PENALTIES

The following penalties apply:

- 114.1 Running at Large. The owner of a dog ~~which~~that is found running at large shall be punished by a fine ~~of not more than \$25 for the first offense~~consistent with 7 M.R.S.A. § 3915, as may be amended from time to time. For the second and subsequent offenses, the owner shall be punished by a fine ~~of not more than \$100~~consistent with 7 M.R.S.A. § 3915, as may be amended from time to time.

- 114.2 Running at Large After Causing Nuisance. The owner of a dog ~~which~~that is found running at large who knows or has been advised that the dog has caused a nuisance and has failed to keep the dog on his premises or under his control or under the control of a person charged with the responsibility, shall, for the first offense, be punished ~~by a fine of not more than \$50~~by a fine as provided under Section 114.1. For second and subsequent offenses, the owner shall be punished ~~by a fine of not more than \$100~~by a fine as provided under Section 114.1.
- 114.3 Disturbing the Peace/Barking Dog. The owner of a dog ~~which~~that disturbs the peace of any person by frequently and habitually barking, howling, or creating other noise shall be punished, on the first offense, by a fine ~~of not more than \$50~~in such amount as the Board of Selectmen may establish. For second and subsequent offenses, the owner shall be punished by a fine ~~of not more than \$100~~in such amount as the Board of Selectmen may establish.
- 114.4 Dangerous Dogs. If a dog ~~which~~that is required to be muzzled under ~~Subsection 1036~~ is allowed to go unconfined without a muzzle, the owner shall be punished by a fine ~~of not more than \$100, and the court may order the Animal Control Officer to destroy the dog immediately~~consistent with 7 M.R.S.A. § 3952, as may be amended from time to time.
- ~~114.5 Refusing to Reclaim Dog. A person who fails to reclaim his dog and pay the cost required by Subsection 108 within one week after receiving oral or written notice of its impoundment shall be punished by a fine of not more than \$25.~~
- ~~114.6 General Penalty. A person who violates any other provision of the Ordinance 5 shall be punished by a fine of not more than \$100.~~
- ~~114.7 Warrant. The Board of Selectmen shall annually, on the last Thursday in February, issue a warrant of unlicensed dogs to the Animal Control Officer, returnable by July 1st of each year, directing him to proceed forthwith to enter a complaint and summons to court the owner or keeper of the dog and demand that he conform with the law and obtain a license from the Town Clerk within seven days from the day of demand, paying to the clerk in addition to the license fee, an officer's fee of \$10. The fee shall be paid to the Town of Harpswell.~~

## SEC. 115 USE OF FEES AND FINES

The Town shall keep the portions of fees and fines retained by it in a separate dedicated account that must be used for the salaries and costs of animal control, licensing, law enforcement, care of injured or abandoned stray animals and the support of one or more approved animal shelters. Any money remaining in the account at the end of the Town's fiscal year does not lapse, but shall be carried over to the next fiscal year.

SEC. 11~~6~~<sup>7</sup> ENFORCEMENT

Except for the provisions required to be enforced by the Health Officer, the Animal Control Officer shall enforce this Ordinance.

~~SEC. 116 AMENDMENT~~

~~—— If any amendment is deemed illegal by Legal Counsel, then that amendment will be deemed null and void, reverting to the original wording of this section.~~

~~SEC. 117<sup>8</sup> SEVERABILITY~~

~~To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Ordinance shall remain valid.~~